

Amendment and Request for Reconsideration  
December 13, 2005

Appl. No. 09/747,594

## REMARKS

### CLAIM REJECTIONS

In the September 14, 2005 Office Action, claim 39 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bush, Jr. in view of Perini. Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perini in view of Rood, Win, Renard and Schroeder. Claims 31-34 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perini in view of Rood, Renard and Schroeder. Claims 1-17 and 31-39 stand rejected under U.S.C. § 103(a) as allegedly being unpatentable over Renard in view of Bush, Jr., Win, Schroeder, and Perini. Applicants respectfully assert that the rejections are improper and all of the claims are allowable.

#### A. Perini, Rood, Win, Renard and Schroeder

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perini in view of Rood, Win, Renard and Schroeder. Applicants respectfully traverse these rejections for the following reasons: (1) Perini, Rood, Renard and Schroeder are non-analogous art, and therefore improper references; and (2) the combination of Perini, Rood, Win, Renard and Schroeder fails to teach each and every element and provides no teaching or suggestion as to the desirability to modify the methods described therein to include each and every element.

First, Applicants respectfully assert that each of Perini, Rood and Schroeder is not analogous art and therefore cannot be relied upon under 35 U.S.C. § 103(a).

MPEP 2141(a) recites:

"[i]n order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986);

As such, the determination whether a reference is analogous is a two part test: (1) whether the art is in the same field of endeavor; and (2) if not in the same field,

**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

whether the art pertinent to the particular problems with which the inventor is involved.

Independent claims 1, 5, and 10 are directed at methods of cutting a wound log of moist substrate, a coreless wet wipes log, and a wet wipes log, respectively. None of Perini, Rood, Renard or Schroeder teach the cutting or processing of moist wound logs, wet wipes logs, or coreless wet wipes logs. In contrast, Perini and Rood are directed at the cutting of toilet tissue rolls. Rood is directed at the cutting of vegetables. Schroeder is directed at the cutting of paper rolls. Each of the Perini, Rood, Renard and Schroeder references is concerned with different fields of endeavor than the cutting and processing of moist wound logs, wet wipes logs, or coreless wet wipes logs of claims 1-13. Applicants respectfully assert that criteria 1 of the test for analogous art has not been satisfied.

The next step is consideration of criteria 2 of the test for analogous art: whether the reference is pertinent to the particular problems with which Applicants were concerned. As disclosed throughout the specification of this application, processing of wound logs of moist substrate, coreless wet wipes log, and wet wipes logs poses particular problems which the applicants were concerned including distortion of the finished product, especially in terms of shape and cut squareness, prevention of undesired unwinding of the roll, and maintenance of a sanitary environment.

Applicants' concern with the problem of finished product distortion including shape and cut squareness is demonstrated at least by the discussion of counterbalancing the forces exerted on the log during the cutting procedure (page 15, line 3 to page 16, line 17) and Figures 11 and the disclosure of the shape of the pocket (page 10, line 18 to page 11, line 16 and Figure 4) designed to counterbalance these forces. A wound log of moist substrate, wet wipes log or coreless wet wipes log is readily deformable and has low rigidity. As such, maintaining the integrity of the log before, during and after cutting is a problem which applicants were concerned with solving.

**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

Perini, Rood, Renard and Schroeder each teach the cutting and processing of substrates with rigidity along their longitudinal axis (toilet paper logs, vegetables and paper rolls). In particular, Perini, Renard and Schroeder each teach the cutting and processing of dry substrates with rigidity along their longitudinal axis. A substrate with longitudinal rigidity does not readily lose its shape as compared to a wet wipes log. Longitudinal rigidity allows the substrates of Rood, Renard and Schroeder to be transported along their longitudinal axis without deforming the product. A wound log of moist substrate, wet wipes log, or coreless wet wipes log will readily deform if transported along its longitudinal axis. Problems with cut squareness are also very different when comparing a substrate with longitudinal rigidity versus one without. The ability of the wet wipes log to move and deform during the cutting procedure directly affects cut squareness and the integrity of the finished product. The cutting of toilet paper rolls, vegetables, and paper rolls as disclosed by Perini, Rood, Renard and Schroeder are not readily deformable, and thus are not pertinent to the problem with which Applicants sought to overcome.

For the reasons presented herein, none of the Perini, Rood, Renard and Schroeder references is either in the field of Applicants' endeavor, nor pertinent to the problems which Applicants sought to solve, and therefore not a proper reference. As such the rejection of claims 1-13 over Perini in view of Rood, Win, Renard and Schroeder is improper, and Applicants respectfully request that the rejection be withdrawn.

Second, assuming for arguments sake that the above references are analogous art, the rejection is still improper because the combination of Perini, Rood, Win, Renard and Schroeder fails to teach, either expressly or inherently, each and every element recited in rejected independent claims 1, 5 and 10, and provides no teaching or suggestion as to the desirability of modifying the methods described therein to include each and every element of the rejected independent claims. At a minimum, the combination of references fails to teach or suggest a wound log of moist substrate, a coreless wet wipes log, or a wet wipes log, and the cutting of such logs.

**Amendment and Request for Reconsideration  
December 13, 2005****Appl. No. 09/747,594**

Each of independent claims 1, 5, and 10 recite a moist log. Independent claim 1 recites the placing and discharging of a wound log with moisture content of at least about 50%. Independent claim 5 recites placing and cutting of a coreless wet wipes log with moisture content of at least 50%. Independent claim 10 recites the placing, discharging and engaging of a wet wipes log with moisture content of at least 65%.

The Office action contends that Perini discloses the method of cutting a plurality of moist substrates. However, Perini teaches the cutting of toilet paper rolls. Toilet paper rolls are dry. Perini provides no motivation to cut a moist log. Applicants note in the Examiner's Remarks, that Win is relied upon to provide the moisture content cited in the claims. However, Perini provides no motivation to form a toilet paper logs with moisture content of 50 or 65%. Furthermore, wetting a toilet paper log to the moisture content of claims 1, 5, and 10 (50, 50 and 65%, respectively) changes the properties of the log. Specifically, the structure of the toilet paper log degrades, becoming soft, deformable and disintegrating. Cutting a wet toilet paper log with the apparatus of Perini would result in at least tearing of the paper, crushing of core and distortion of the cut squareness, if the wet toilet paper log could be cut at all in its disintegrated wet state. Perini provides no motivation to cut wet logs, nor does Perini provide the element of cutting a moist log such as provided in independent claims 1, 5, and 10.

However, Perini does not teach or suggest the cutting of a moist log. None of Rood, Win, Renard and Schroeder teach or suggest cutting a moist log as provided in independent claims 1, 5, or 10, nor does the Office action contend these references teach or suggest cutting a moist log. As such, the combination of Perini, Rood, Win, Renard and Schroeder fails to teach each and every element, and provides no teaching or suggestion as to the desirability to modify the methods described therein to include each and every element. As such, a *prima facie* case of obviousness has not yet been presented and Applicants respectfully request that the rejection be withdrawn.

**B. Renard, Bush, Jr., Win, Schroeder, and Perini**

**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

Claims 1-17 and 31-39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Renard in view of Bush, Jr., Win, Schroeder, and Perini. Applicants respectfully traverse these rejections for the following reasons: (1) Renard, Bush, Jr., Schroeder and Perini are non-analogous art, and therefore improper references; and (2) the combination of Renard, Bush, Jr., Win, Schroeder, and Perini fails to teach each and every element and provides no teaching or suggestion as to the desirability to modify the methods described therein to include each and every element.

**1. Claims 1-13**

First, as discussed above, the determination whether a reference is analogous is a two part test: (1) whether the art is in the same field of endeavor; and (2) if not in the same field, whether the art pertinent to the particular problems with which the inventor is involved.

Independent claims 1, 5, and 10, are directed at methods of cutting a wound log of moist substrate, a coreless wet wipes log, and a wet wipes log, respectively. In contrast, Renard and Perini are directed at the cutting of toilet tissue rolls. Bush, Jr., is directed at the cutting of tree trunks. Schroeder is directed at the cutting of paper rolls. Each of the Renard, Perini, Bush, Jr., and Schroeder references is concerned with different field of endeavor than the cutting and processing of moist wound logs, wet wipes log or coreless wet wipes logs of claims 1-13. Applicants respectfully assert that criteria 1 of the test for analogous art has not been satisfied.

The next step is consideration of criteria 2 of the test for analogous art: whether the reference is pertinent to the particular problems with which Applicants were concerned. The problems associated with processing of moist wound logs and wet wipes logs, Applicants' concern with these problems, and the fact that the teachings of Renard, Perini, and Schroeder are not pertinent to these problems has been discussed above in section A. As, Bush, Jr. also teaches the cutting of substrates with rigidity along their horizontal axis (tree logs), and the cutting of substrates with rigidity along their horizontal axis is not pertinent to the problems with which Applicants were concerned as discussed above, Bush, Jr. is not pertinent to the problems which Applicants sought to overcome.

**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

For the reasons presented herein, none of the Renard, Bush, Jr., Schroeder, and Perini references is either in the field of Applicants' endeavor, nor pertinent to the problems which Applicants sought to solve, and therefore are not proper references. As such the rejection of claims 1-13 over Renard in view of Bush, Jr., Win, Schroeder and Perini is improper, and Applicants respectfully request that the rejection be withdrawn.

Second, assuming for arguments sake that the above references are analogous art, the rejection is still improper because the combination of Renard, Bush, Jr., Win, Schroeder and Perini fails to teach, either expressly or inherently, each and every element recited in rejected independent claims 1, 5, and 10, and provides no teaching or suggestion as to the desirability of modifying the methods described therein to include each and every element of the rejected independent claims. At a minimum, the combination of references fails to teach or suggest a moist log, and the cutting of a moist log.

Each of independent claims 1, 5, and 10 recite a moist log. Independent claim 1 recites the placing and discharging of a wound log with moisture content of at least about 50%. Independent claim 5 recites placing and cutting of a coreless wet wipes log with moisture content of at least 50%. Independent claim 10 recites the placing, discharging and engaging of a wet wipes log with moisture content of at least 65%.

The Office action contends that Renard discloses the method of cutting moist substrates. However, Renard teaches the cutting of toilet paper rolls. Toilet paper rolls are dry. Renard provides no motivation to cut a moist log. As discussed previously, wetting a toilet paper log changes the properties of the log. Specifically, the structure of the toilet paper log degrades, becoming soft, deformable and disintegrating. Cutting a wet toilet paper log with the method of Renard would result in at least tearing of the paper, crushing of core and distortion of the cut squareness, if the wet toilet paper log could be cut at all in its disintegrated wet state. In the Remarks section of the Office Action, the Examiner notes that Renard's trough is capable of supporting a coreless wipe. However, for argument's sake, even if Renard's trough is capable of supporting a coreless wet wipes log, Renard does not

**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

teach or suggest supporting a coreless wet wipes log, nor the cutting of a wet wipes log. Furthermore, Renard teaches axially advancing the log between cuts which would greatly distort the shape of the disintegrated wet log, if the wet toilet paper log could even be transported in such an axial manner. For these reasons, one would not look to Renard to cut moist logs because Renard provides no motivation to cut wet logs, nor does Renard provide a method of cutting a moist log such as provided in independent claims 1, 5, and 10.

Bush, Win, Schroeder and Perini do not teach or suggest, a method of cutting a moist log such as provided in independent claims 1, 5, and 10, nor does the Office action contend they do. Renard, Bush, Win, Schroeder and Perini either alone or in combination fail to teach or suggest each and every element of independent claims 1, 5, and 10. As such, a *prima facie* case of obviousness has not yet been presented and Applicants respectfully request that the rejection be withdrawn.

## **2. Claims 14-17**

First, as independent claim 14 is directed at a method of cutting wet wipes logs, Renard, Bush, Jr. Schroeder and Perini are non-analogous art for the same reasons presented above in section B(1).

Second, assuming for arguments sake that the above references are analogous art, the rejection is still improper because the combination of Renard, Bush, Jr., Win, Schroeder and Perini fails to teach, either expressly or inherently, each and every element recited in rejected independent claim 14 and provides no teaching or suggestion as to the desirability of modifying the methods described therein to include each and every element of the rejected independent claims.

Independent claims 14 recites the placing, discharging, metering and engaging of coreless wet wipes log with moisture content of at least about 50%. For the same reasons presented above in section B(1), Renard, Bush, Win, Schroeder and Perini either alone or in combination fail to teach or suggest the cutting of a coreless wet wipes log.

**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

In addition, Renard, Bush, Jr., Win, Schroeder, and Perini, either alone or in combination, fail to teach metering the rate at which the log is discharged from the transfer plate to a pocket, as recited in independent claim 14,. The Office action contends that Bush, Jr. teaches such metering at col. 12, lines 39-43 which recites:

The above described log indexing means will insure a cycle of log feeding operation whereby logs are fed one at a time from the log feeding tables onto the ramp means 35 for further movement by the rotary feeding means 36.

However, since the Bush, Jr. feeding tables are conveyors, Bush, Jr. teaches metering from the conveyor to the transfer plate. In contrast, claim 14 recites metering from the transfer plate to a pocket. Metering from the conveyor to the transfer plate is different than metering from the transfer plate to a pocket. Applicants respectfully assert that Bush, Jr. does not teach or suggest the metering from the transfer plate to a pocket of claims 14-17.

None of Renard, Win, Schroeder, or Perini either alone or in combination teach or suggest metering from the transfer plate to the pocket, nor does the Office action contend the references teach or suggest metering from the transfer plate to the pocket. The combination of Bush, Jr. and these references does not teach or suggest metering from the transfer plate to the pocket.

For the reasons presented herein, Renard, Bush, Jr., Win, Schroeder, and Perini do not teach each and every element of independent claim 14. As such, a *prima facie* case of obviousness has not yet been presented and Applicants respectfully request that the rejection be withdrawn.

### **3. Claims 31-34**

First, as discussed above, the determination whether a reference is analogous is a two part test: (1) whether the art is in the same field of endeavor; and (2) if not in the same field, whether the art pertinent to the particular problems with which the inventor is involved.

Independent claim 31 has been amended to recite a method of cutting a plurality of flexible and moist substrates. In contrast, Renard and Perini are directed at the cutting of toilet tissue rolls. Bush, Jr., is directed at the cutting of tree trunks.



**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

Schroeder is directed at the cutting of paper rolls. As all of these substrates are dry, Renard, Perini, Bush, Jr., and Schroeder are each concerned with different field of endeavor than the cutting and processing of flexible and moist logs or substrates of claims 31-34. Applicants respectfully assert that criteria 1 of the test for analogous art has not been satisfied.

The next step is consideration of criteria 2 of the test for analogous art: whether the reference is pertinent to the particular problems with which Applicants were concerned. The problems associated with processing of moist logs, Applicants' concern with these problems, and the fact that the teachings of Renard, Bush, Jr., Perini, and Schroeder are not pertinent to these problems has been presented above in the argument of criteria 2 in section B(1) and is applicable to claims 31-34. In addition, claims 31-34 are directed at flexible substrates and flexible logs. A flexible log is readily deformable, has low rigidity and requires support along its longitudinal axis. Support along the longitudinal axis directly affects cut squareness, particularly with flexible substrates. As such, maintaining the integrity of the log or roll before, during and after cutting is a problem which applicants were concerned with solving.

Renard, Bush, Jr., Perini, and Schroeder each teach the cutting and processing of nonflexible substrates. Nonflexible substrates can be transported along their longitudinal axis without deforming the product as disclosed by Renard and Schroeder. Flexible substrates suffer from bunching and deformation when transported in this manner. Problems with cut squareness are also very different when comparing a flexible and nonflexible substrate. A flexible substrate can move and deform during the cutting procedure which directly affects cut squareness and the integrity of the finished product. The cutting of toilet paper rolls of Renard and Perini, tree logs of Bush, and paper logs of Schroeder is not pertinent to the problem with which Applicants were concerned because these substrates are nonflexible.

For the reasons presented herein, none of the Renard, Bush, Jr., Schroeder, and Perini references is either in the field of Applicants' endeavor, nor pertinent to the problems which Applicants sought to solve, and therefore are not proper references. As such the rejection of claims 31-34 over Renard in view of Bush, Jr., Win,

**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

Schroeder and Perini is improper, and Applicants respectfully request that the rejection be withdrawn.

Second, assuming for arguments sake that the above references are analogous art, the rejection is still improper because the combination of Renard, Bush, Jr., Win, Schroeder and Perini fails to teach, either expressly or inherently, each and every element recited in rejected independent claim 31, and provides no teaching or suggestion as to the desirability of modifying the methods described therein to include each and every element of the rejected independent claim. At a minimum, the combination of references fails to teach or suggest a moist and flexible log, and the cutting of a moist and flexible log or substrate.

Independent claim 31 recites the placing, discharging, and engaging of a flexible and moist log. The Office action contends that Renard discloses the method of cutting moist substrates. Applicants rebuttal to this statement is provided above in section B(1) and applies to claims 31-34. Renard provides no motivation to cut moist logs, nor does Renard provide a method of cutting a moist log, such as provided in independent claim 31. Furthermore, independent claim 31 as originally filed and currently amended recites that the log is flexible. The Office action does not contend that any of Renard, Bush, Win, Schroeder, or Perini, either alone or in combination teach or suggest a method of cutting a flexible log. Thus, the combination of Renard, Bush, Win, Schroeder, or Perini fails to teach each and every element, and provides no teaching or suggestion as to the desirability to modify the methods described therein to include each and every element. As such, a *prima facie* case of obviousness has not yet been presented and Applicants respectfully request that the rejection be withdrawn.

#### **4. Claims 35-38**

First, independent claim 35 has been amended to recite a continuous method of cutting a plurality of flexible and moist logs. Renard, Perini, Bush, Jr. and Schroeder are non-analogous art for the reasons presented above in section B(3).

Second, the combination of Renard, Bush, Jr., Win, Schroeder, and Perini fails to teach each and every element and provides no teaching or suggestion as to the

**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

desirability to modify the methods described therein to include each and every element, specifically a moist and flexible log for the reasons presented for in section B(3). In addition, for the reasons presented in section B(2), Renard, Bush, Jr., Win, Schroeder, and Perini, either alone or in combination, fail to teach each and every element, specifically, as recited in independent claim 35, metering the rate at which the log is discharged from the transfer plate to a pocket.

Thus, the combination of Renard, Bush, Win, Schroeder, and Perini fails to teach each and every element, and provides no teaching or suggestion as to the desirability to modify the methods described therein to include each and every element. As such, a *prima facie* case of obviousness has not yet been presented and Applicants respectfully request that the rejection be withdrawn.

#### **5. Claim 39**

First, independent claim 39 has been amended to recite a continuous method of cutting a plurality of moist substrates. For the reasons presented above in section B(3), specifically with respect to moist substrates, Renard, Perini, Bush, Jr. and Schroeder a non-analogous art.

Second, the combination of Renard, Bush, Jr., Win, Schroeder, and Perini fails to teach each and every element and provides no teaching or suggestion as to the desirability to modify the methods described therein to include each and every element, specifically a moist log or substrate for the reasons presented in section B(3). As such, a *prima facie* case of obviousness has not yet been presented and Applicants respectfully request that the rejection be withdrawn.

#### **C. Perini, Rood, Renard, Schroeder**

Claims 31-34 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perini in view of Rood, Renard and Schroeder. Applicants respectfully traverse these rejections as (1) Perini, Rood, Renard and Schroeder are non-analogous art and therefore improper references; and (2) the combination of

**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

Perini, Rood, Renard and Schroeder fails to teach each and every element and provides no teaching or suggestion as to the desirability to modify the methods described therein to include each and every element.

First, independent claim 31 has been amended to recite are method of cutting a plurality of flexible and moist substrates. Renard, Perini, and Schroeder a non-analogous art for the reasons presented above in section B(3).

In addition, Rood is also non-analogous art. Rood is directed at the cutting of vegetables which is not in the same field as the cutting of flexible and moist substrates. Furthermore, Rood is not pertinent to the problems with which Applicants were concerned, at least because vegetables are rigid, not flexible. The inapplicability of the teachings of rigid substrates to flexible substrates has been discussed above in section B(3).

Second, assuming for arguments sake that the above references are analogous art, the rejection is still improper because the combination of Perini, Rood, Renard, and Schroeder fails to teach, either expressly or inherently, each and every element recited in rejected independent claim 31, and provides no teaching or suggestion as to the desirability of modifying the methods described therein to include each and every element of the rejected independent claim. At a minimum, the combination of references fails to teach or suggest a moist and flexible log, and the cutting of a moist and flexible log or substrate.

Independent claim 31 recites the placing, discharging, and engaging of a flexible and moist log. The Office action contends that Perini discloses the method of cutting moist substrates. For these reasons presented in section A, one would not look to Perini to cut moist logs because Perini provides no motivation to cut moist logs, nor does Perini provide a method of cutting a moist log such as provided in independent claims 31.

Furthermore, independent claim 31 as originally filed and currently amended recites that the log is flexible. The Office action does not contend that any of Perini, Rood, Renard or Schroeder, either alone or in combination teach or suggest a method of cutting a flexible log. Thus, the combination of Perini, Rood, Renard or Schroeder fails to teach each and every element, and provides no teaching or

**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

suggestion as to the desirability to modify the methods described therein to include each and every element. As such, a *prima facie* case of obviousness has not yet been presented and Applicants respectfully request that the rejection be withdrawn.

**D. Bush, Jr. and Perini**

Claim 39 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bush, Jr. in view of Perini. Applicants respectfully traverse these rejections for the following reasons: (1) Bush, Jr., and Perini are non-analogous art, and therefore improper references; and (2) the combination of Bush, Jr., and Perini fails to teach each and every element and provides no teaching or suggestion as to the desirability to modify the methods described therein to include each and every element.

First, independent claim 39 has been amended to recite a continuous method of cutting a plurality of moist substrates. For the reasons presented in section B(3), specifically with respect to moist substrates, Bush, Jr. and Perini are non-analogous art.

Second, the combination of Bush, Jr., and Perini fails to teach each and every element and provides no teaching or suggestion as to the desirability to modify the methods described therein to include each and every element, specifically a moist log or substrate for the reasons presented in section B(3). As such, a *prima facie* case of obviousness has not yet been presented and Applicants respectfully request that the rejection be withdrawn.

**E. New Claims**

New claims 40 and 41 depend directly on claim 1. New claim 42 depends directly on claim 5. New claims 43 and 44 depend directly on claim 10. New claims 45 and 46 depend directly on claim 14. New claims 47 and 48 depend directly on claim 31. New claims 49 and 50 depend directly on claim 35. New claims 51 and 52 depend directly on claim 39. Each of these claims is patentable for at least the same

**Amendment and Request for Reconsideration  
December 13, 2005**

**Appl. No. 09/747,594**

reasons as for the corresponding independent claim, as stated throughout this Request.

Note that claims 40-52 are being presented to provide additional coverage for the inventions of claims 1, 5, 10, 14, 31, 35 and 39 and so are not being presented for reasons related to patentability as defined in *Festo*.

### **CONCLUSION**

Applicants believe that currently pending Claims 1-17 and 31-52 are patentable. Applicants respectfully request that the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned agent for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,



\_\_\_\_\_  
Lisa M. Seaney, Ph.D.  
Registration No. 56,246  
Agent for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200